

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

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U.S. DISTRICT COURT
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BY *M. V. [Signature]*

THE MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
a Massachusetts corporation, and
ELECTRONICS FOR IMAGING, INC.
a Delaware corporation
Plaintiffs,

Case No. 501CV344

v.

JUDGE FOLSOM

ABACUS SOFTWARE, INC.,
A Michigan corporation, et al.,
Defendants.

JURY

**DEFENDANT DIGITAL RIVER, INC.'S
OPENING *MARKMAN* BRIEF FOR CLAIM 1
OF U.S. PATENT NO. 4,500,919**

Pursuant to the Order entered by the Court on January 6, 2003, Digital River, Inc. hereby adopts and incorporates by reference Defendant Microsoft Corporation's Opening *Markman* Brief in Support of Its Proposed Claim Construction for Claim 1 of U.S. Patent No. 4,500,919.

This the 19th day of February, 2003.

Alan D. Harrel

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Texas State Bar No. 09035700

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ATTORNEYS FOR
DIGITAL RIVER, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Defendant Digital River, Inc.'s Opening Markman Brief in Support of Its Proposed Claim Construction for Claim 1 of U.S. Patent No. 4,500,919** has been served on opposing counsel of record via first-class mail, postage prepaid.

I further certify that a true and correct copy of the foregoing **Defendant Digital River, Inc.'s Opening Markman Brief in Support of Its Proposed Claim Construction for Claim 1 of U.S. Patent No. 4,500,919** has been served on all known defense counsel via electronic mail on February 19, 2003.

This 19th day of February, 2003.



Alan D. Harrel